



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: May 10, 2007
EXPIRATION DATE: June 8, 2007
REFERENCE NUMBER: POA-2006-1467-M
WATERWAY: Darling Creek

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: BP Pipeline Alaska, Inc., Exxon Pipeline Company, ConocoPhillips Transportation, Alaska, Inc., Koch Alaska Pipeline Company, Unicol Pipeline Company

AGENT: Alyeska Pipeline Service Company
P.O. Box 196660, MS 596
Anchorage, Alaska 99519-6660
Attention: Mr. Peter Nagel

LOCATION: The proposed project is located within Section 30, T. 15 S., R. 10 E., Fairbanks Meridian; Mount Hayes C-4 USGS Quadrangle map (1967; 1:63,600), Latitude 63.5821 N., Longitude 145.8715 W.; near Richardson Highway Milepost 231, Alaska.

PURPOSE: The applicant's stated purpose is: "To protect the buried pipeline (sic Trans Alaska Pipeline) and check valve 89." The Corps has determined the purpose to be erosion protection/bank stabilization of the South bank of Darling Creek west of the Richardson Highway Darling Creek Bridge.

PROPOSED WORK: Construction of an 800-foot long, 60-foot wide, 7.5 feet high gravel and rip-rap berm on the south bank of Darling Creek west of the bridge and terminating at the Darling Creek - Delta River confluence.

ADDITIONAL INFORMATION: The proposed work is an expansion of work done in June of 2006 to prevent erosion impacts to the TAPS line and check valve 89 attached to the TAPS line. The applicant is also requesting a short term variance from water quality standards related to the 401 Water Quality Certification application related to this action.

MITIGATION: At the time this Public Notice was written the applicant had proposed no mitigation because their application was for Nationwide Permit 13. The Corps has determined the proposed work exceeds the limits of Nationwide Permit 13. The Corps will discuss required mitigation with the applicant.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Lynx (*Lynx Canadensis*). No threatened or endangered species (listed in Alaska) are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which

reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. If further information is desired concerning this notice, please contact Mr. Keith Gordon at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at keith.q.gordon@poa02.usace.army.mil.

AUTHORITY: This permit will be issued or denied under the following authorities:

() Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - **Section 404 Clean Water Act (33 U.S.C. 1344)**. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

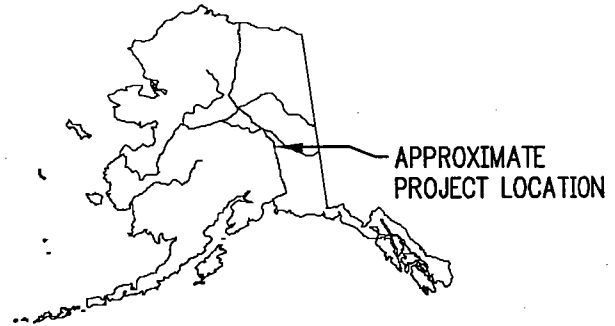
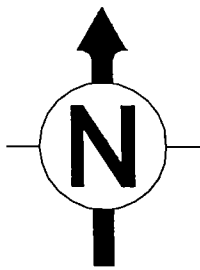
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Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

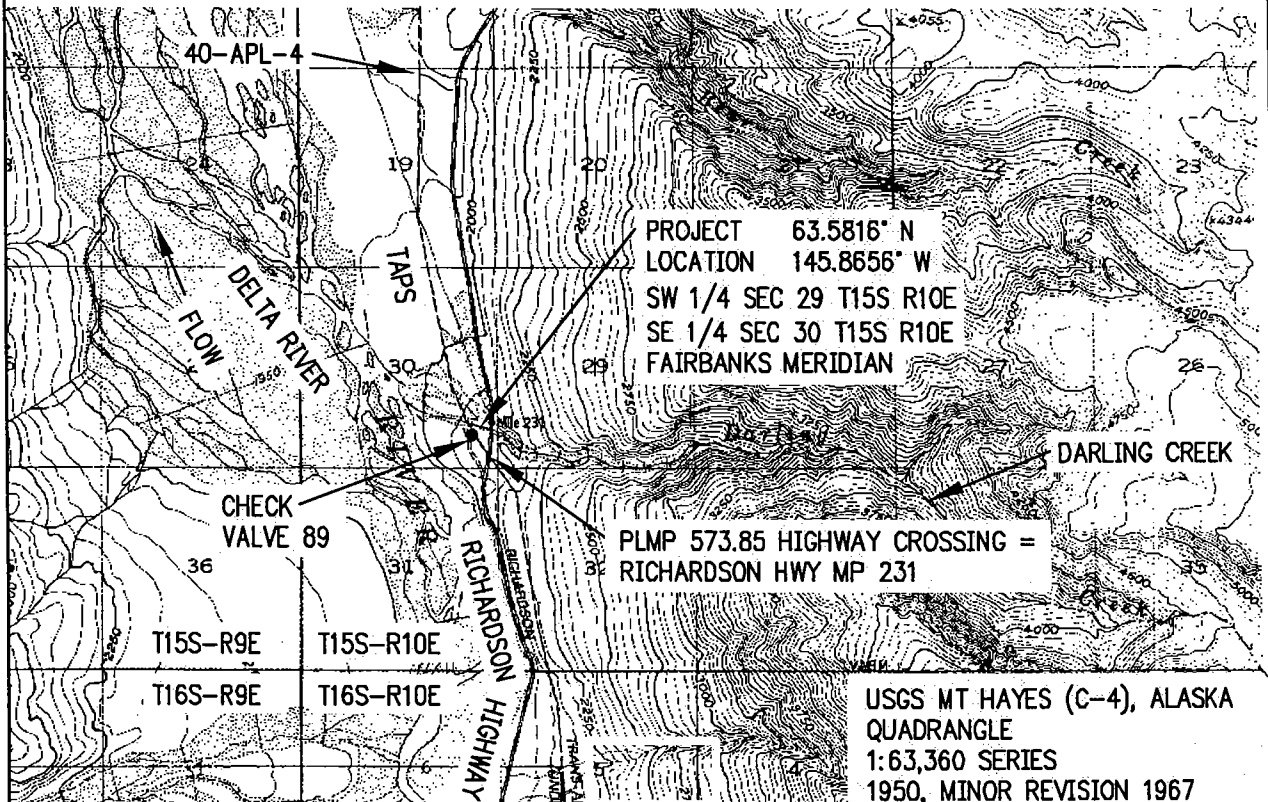
Enclosures

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APPROXIMATE
PROJECT LOCATION

DELTA
JUNCTION
31 MILES



PS 10 13 MILES

APPROX. QUANTITIES, SUMMARY:

	TOTAL
FOOTPRINT:	48,600 SF (1.12 ACRE)
EXCAVATION, ORGANICS:	230 CY
EXCAVATION, GRAVEL:	1,600 CY
FILL, GRAVEL:	2,500 CY
FILL, RIPRAP:	4,200 CY

PURPOSE: bank stabilization/
Erosion protection
ADJACENT PROPERTY
OWNERS:
1. Bureau of Land
Management

APPLICANT: 2006-1467-M

LOCATION: Richardson Hwy MP 231,
TAPS MP 573.6

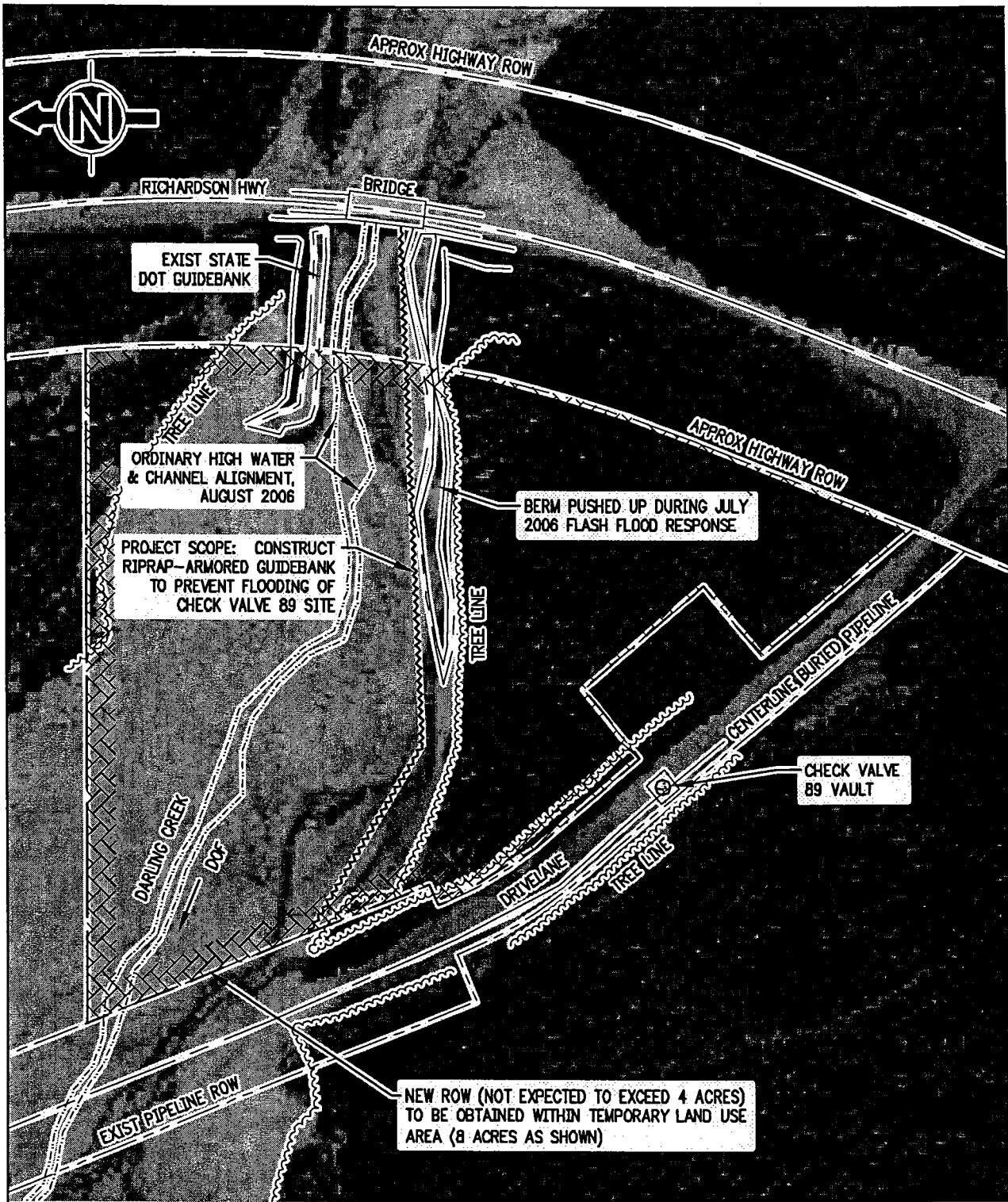
DATE: April 17, 2007

PROPOSED: Guidebank
construction
IN: Darling Creek
NEAR: Delta Junction
STATE: Alaska
SHEET 1 OF 4

FILE DATE: 04-17-07

PLOT SCALE: 1"=1

FILENAME: X097F PLATES RO



AFFECTED BY:

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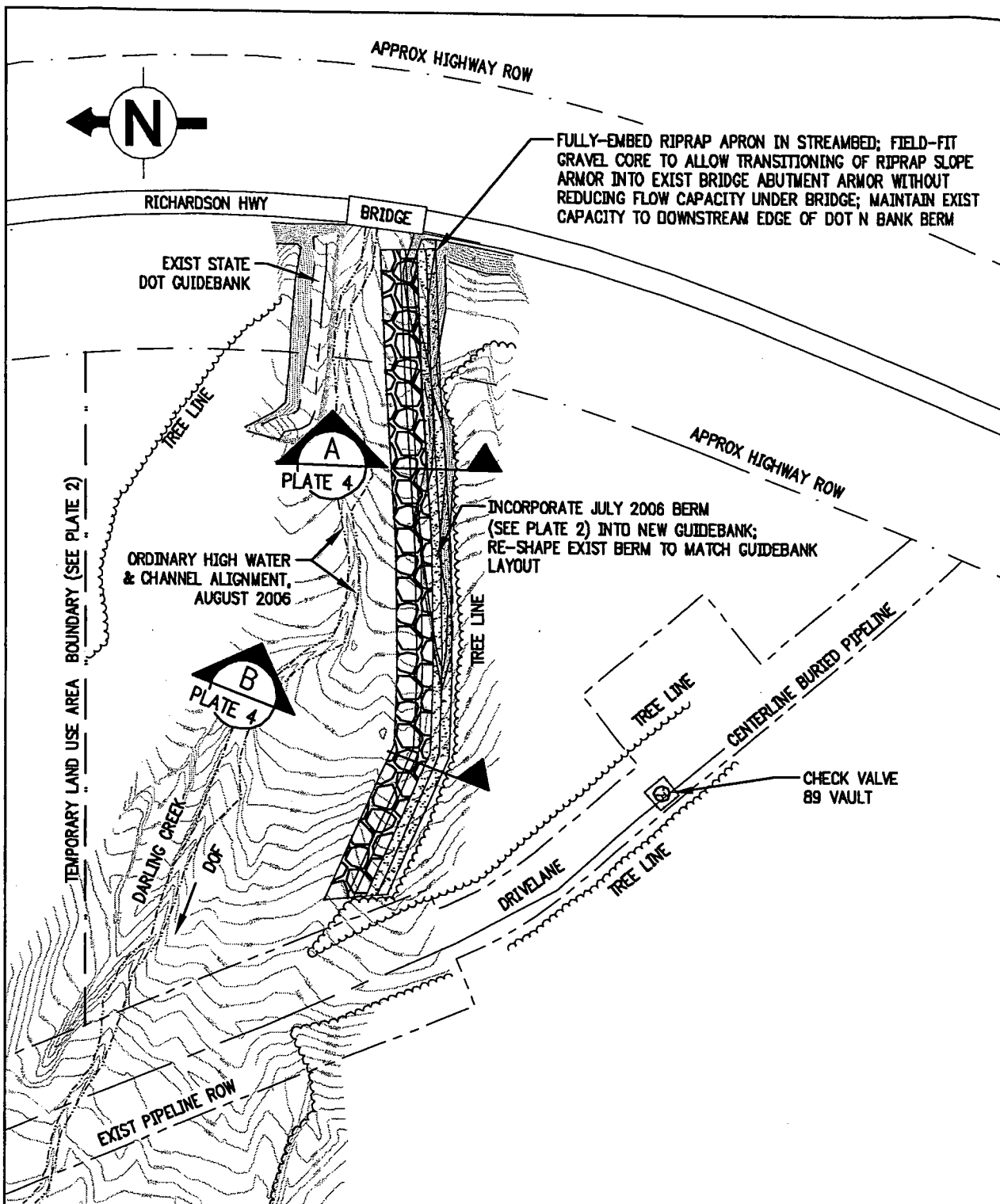
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STATE: Alaska
SHEET 3 OF 4

FILE DATE: 04-17-07

PLOT SCALE: 1=1

FILENAME: X097F PLATES R0

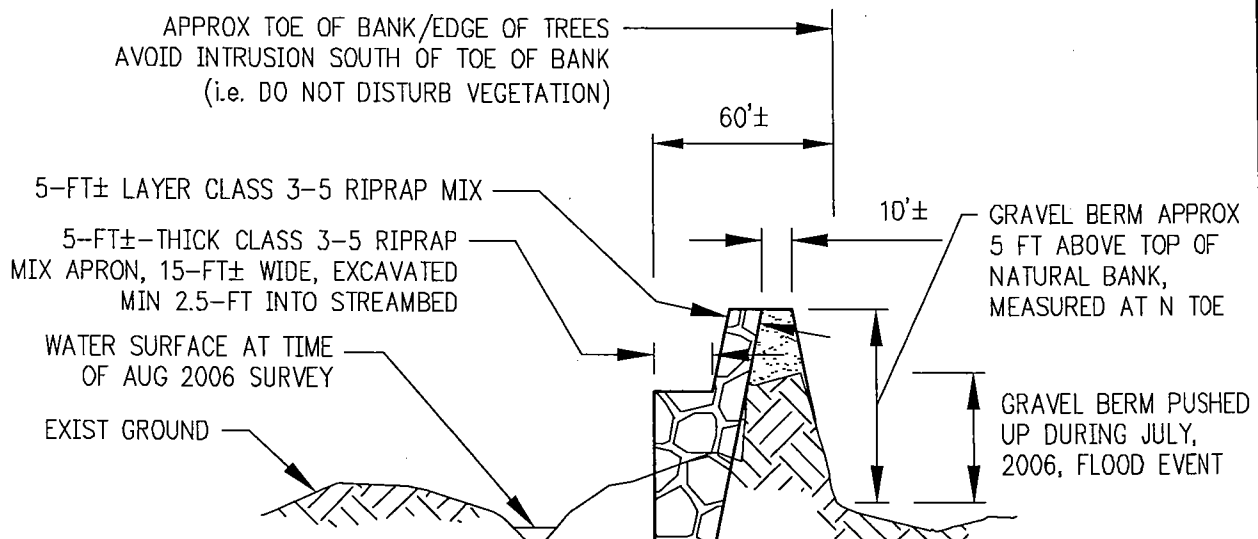
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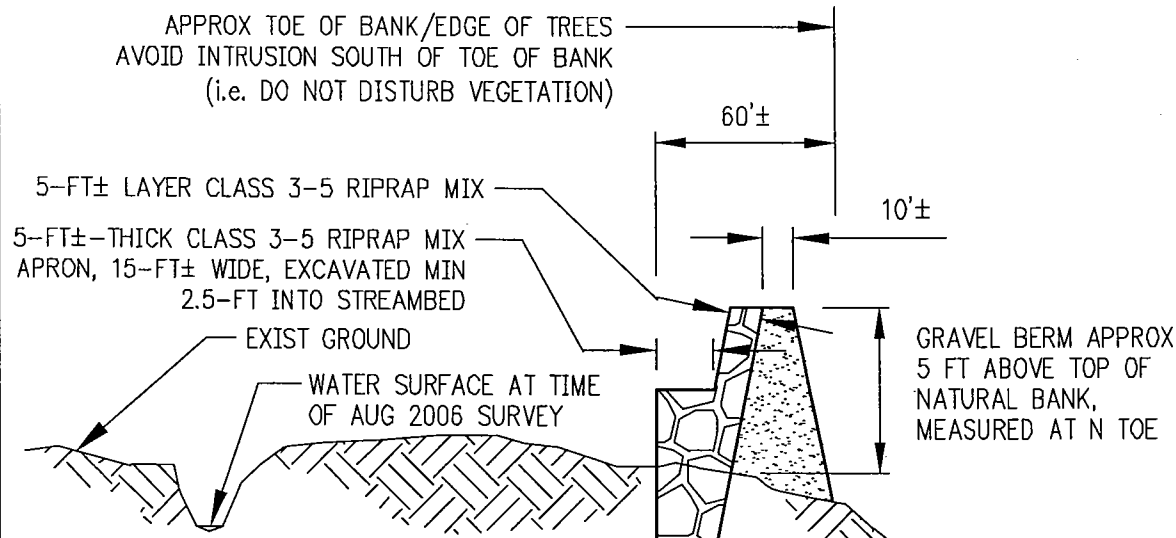
AFFECTED BY:



SECTION

SCALE: N.T.S.

A
PLATE 3



SECTION

SCALE: N.T.S.

B
PLATE 3

NOTE: VERTICAL SCALE EXAGGERATED 10:1

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SHEET 4 OF 4

FILE DATE: 04-17-07

PLOT SCALE: 1"=1

FILENAME: X097F PLATES RO

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

JOINT PIPELINE OFFICE
411 WEST 4TH AVENUE, SUITE 2-C
ANCHORAGE, ALASKA 99501-2343
PHONE: (907) 257-1351/FAX: (907) 272-3829

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2006-1467-M, Darling Creek**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-1467-M, Darling Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.